

IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR
and
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO : 18246 of 2005

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Dated: 29th July 2005.

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Between:

B.Vijay Kumar

..... PETITIONER

AND

Venkat Reddy, Sub-Inspector of Police, Mudigonda Police Station, Khammam
District and others

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

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W.P.NO.18246 OF 2005

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ORAL ORDER:

(Per the Hon'ble Sri Justice J.Chelameswar)

This is a taken up writ petition on the basis of a telegram dated 12-08-2005, issued by the petitioner Mr. B.Vijay Kumar, complaining that he was taken into illegal custody by the 1st respondent herein in connection with a civil dispute in O.S.No.475 of 2005 on the file of the II Additional Junior Civil Judge at Khammam.

Pursuant to the notice, the 1st respondent filed a counter affidavit. The relevant portion of the same is as follows:

"2. At the outset, I respectfully submit that the Mandal Revenue Officer, Mudigonda Mandal has addressed a letter to this Respondent Station on 10.8.2005 stating that one Smt.K.Venkataravamma and B.Savithramma submitted an application stating that the lands belonging to them are illegally cultivated by Mr. Bejwada Vijay Kumar, resident of Ammapeta village who is the petitioner herein and further stated that the petitioner herein has entered into the land in Sy.No.133 to an extent of Ac.3.28 gts belonging to the complainants and destroyed the crops raised by the land owners and thus, the Mandal Revenue Officer, requested this respondent to take necessary action against the petitioner herein. Similarly on 11.8.2005 one Smt.Koleti Venkataravamma, w/o Krishnaiah, lodged a complaint with this Respondent Station alleging that the petitioner herein criminally trespassed into her land and destroyed the red gram crop and caused loss to the lands and requested this respondent to take necessary action. I submit that basing on the above complaint of Smt.K.Venkataravamma, a case in Cr.No.80/2005 U/Secs.447, 427 IPC was registered on 11.8.2005 and investigation was taken up by me.

3. I respectfully submit that during the course of investigation in the above crime, I had examined as many as 8 witnesses and recorded their detailed statements. While the investigation is under progress, the petitioner himself approached this Respondent Station and surrendered on 19.8.2005 at 0900 hrs and admitted to have committed the offence. I submit that accordingly I arrested him issuing arrest form and informed the same to his relatives and at no point of time I used any third degree methods against the petitioner. I submit that the petitioner was produced before the Hon'ble Court of II Addl.Judl.First Class Magistrate at Khammam by the Escort of P.C.376 on 19.8.2005 at 1330 hrs and the Hon'ble Magistrate remanded him to judicial custody and later he was enlarged on bail on the same day itself."

Obviously, the petitioner was required in connection with Crime No.80 of 2005. According to the 1st respondent, the petitioner surrendered himself on 19-08-2005, thereafter, he was produced before the Magistrate concerned on the same day, when he was remanded to judicial custody.

In the circumstances, we do not see any reason to proceed further with the writ petition.

The writ petition is, accordingly, closed at the stage of admission.

J.Chelameswar, J

M.Venkateswara Reddy, J

29th August 2005

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